

GREGORY G. KATSAS
Acting Assistant Attorney General
NELSON P. COHEN
United States Attorney
GARY GUARINO
Chief, Civil Division
Assistant United States Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513-7567
Telephone: (907) 271-5071
Telefax: (907) 271-3224
R. MICHAEL UNDERHILL
Attorney in Charge, West Coast Office
Torts Branch, Civil Division
JEANNE M. FRANKEN
Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
7-5395 Federal Building
P.O. Box 36028
450 Golden Gate Avenue
San Francisco, California 94102-3463
Telephone: (415) 436-6644
Telefax: (415) 436-6632
E-mail: jeanne.franken@usdoj.gov

Attorneys for Defendant
United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

SAMSON TUG AND BARGE CO., INC., an)	Civil No. A03-006 CV (JWS)
Alaska Corporation)	
)	IN ADMIRALTY
Plaintiff/Appellant)	
)	
v.)	
)	
UNITED STATES OF AMERICA,)	<u>DEFENDANT'S EXHIBIT LIST</u>
)	
acting by and through)	
)	
the UNITED STATES DEPARTMENT of the)	
NAVY MILITARY SEALIFT COMMAND,)	
and UNITED STATES DEPARTMENT OF)	

THE ARMY MILITARY TRAFFIC
MANAGEMENT COMMAND

Defendants/Appellees

Defendant, United States of America, may introduce the following exhibits at the trial of this matter:

EXHIBIT NO.	IDENTIFIED	OFFERED	ADMITTED	DESCRIPTION
A			X	Previous Contract, N62387-93-D-8503, 1993-1995
B	X			Halko Memo to Baggen 12/7/94 (Depo Ex. 47)
C			X	Solicitation N62387-94-R-8530 (Depo Ex.6)
D	X			Sec. Perry Announcement of Adak Closure 2/28/95, from Samson's files (Depo Ex. 41)
E	X			Baggen Memo to Ousdale 3/21/95 (Depo Ex. 49)
F			X	Sign-in Sheet for Pre-proposal Conference 4/6/95 (Depo Ex. 8)
G			X	Minutes of the Conference 4/6/95 (Depo Ex. 7)
H	X			Halko Memo to File 4/17/95 (Depo Ex. 46)
I	X			Halko Memo to Baggen and Ousdale 4/17/95 (Depo Ex. 54)
J	X			Questions and Answers after Conference (Depo Ex. 51)
K			X	Samson's Bid 4/19/95 (Depo Ex. 55)

1	L		X	Ludwig letter to Ousdale 6/30/95 (Depo Ex. 9)
2	M	X		Halko Memo to Baggen 8/7/95 at 12 (Depo. Ex. 60)
3	N	X		Halko Memo to Baggen 8/7/95 at 3 (Depo. Ex. 61)
4	O		X	Halko Letter to MSC w/ Bid 8/10/95 (Depo Ex. 62)
5	P	X		Halko Notes 8-11/95 (Depo Ex. 45)
6	Q		X	Halko Letter to MSC 9/13/95 (Depo Ex. 63)
7	R	X		Article re: plans for closing Adak 9/25/95, from Samson's files (Depo Ex. 42)
8	S		X	MSC transmittal of corrections 11/7/95 (Depo Ex. 66)
9	T	X		Halko Memo to File re bid 11/9/95 w/ bid sheets (Depo Ex. 67)
10	U	X		Halko Memo to File re bid 11/9/95 w/ bid sheets (part of Depo Ex. 48)
11	V	X		Halko bid sheets for "adakbid9" and "adakbid10", faxed 8/31/95 (Depo Ex. 64)
12	W	X		Samson Bid 9/13/95 (Depo Ex. 65)
13	X		X	Signed Contract from November 1995, N62387- 95-D-8503, effective 10/1/95, w/ Mods (Depo Ex. 12)
14	Y	X		Halko Memo to Mead, et al 12/1/95 (Depo Ex. 68)

1	Z	X			Financial Statements (Depo Exs. 28-40, 73), use is subject to a Protective Order
2					
3	AA	X			Clark Memo 3/19/96 (Depo. Ex. 78)
4					
5	BB	X			USN MOU for Transfer of Excess Property (Depo Ex. 80)
6					
7	CC	X			Letter from Aleut Corp. 12/23/96 (Depo. Ex. 81)
8	DD	X			Message 1/97 re: Closure (Depo Ex. 16)
9	EE	X			Clark Memo 2/3/97 (Depo Ex. 82)
10					
11	FF	X			Clark Memo 2/18/97 (Depo. Ex. 83)
12	GG	X			Clark Memo 2/19/97 (Depo Ex. 84)
13	HH	X			Edwards Memo 2/26/97 (Depo Ex. 85)
14	II	X			NAF Adak Disposal Plan (Depo Ex. 79)
15					
16	JJ	X			Uhlrich Memo 12/7/97 (Depo. Ex. 48)
17					
18	KK			X	Map of Alaska showing Samson's ports (Depo. Ex. 72)
19	LL	X			Video of Items on Adak 3/97 (Depo Ex. 77)
20					
21	MM	X			Air Movement Data (Depo Ex. 2)
22	NN			X	Air Movement Data (Depo Ex. 3)
23					
24	OO			X	Samson's Claim 12/10/01, w/o Exhibits (Depo Ex. 69)
25					

1	PP			X	The Government's Denial 1/15/02 (Depo Ex. 11)
2	QQ	X			Projected Revenue Analysis (Depo. Ex. 70)
3	RR	X			Deposition of Douglas Anderson
4	SS	X			Excerpts of Deposition of Douglas Anderson
5	TT	X			Deposition of Cory Baggin
6	UU	X			Excerpts of Deposition of Cory Baggin
7	VV	X			Deposition of George Baggin
8	WW	x			Excerpts of Deposition of George Baggin
9	XX	X			Deposition of Robert J. Clark
10	YY	X			Excerpts of Deposition of Robert J. Clark
11	ZZ	X			Deposition of Gregory Dawson
12	AAA	X			Excerpts of Deposition of Gregory Dawson
13	BBB	X			Deposition of William Duerden
14	CCC	X			Excerpts of Deposition of William Duerden
15	DDD	X			Deposition of Jeff Eastby
16	EEE	x			Excerpts of Deposition of Jeff Eastby
17	FFF	X			Deposition of Lee Gavitt
18	GGG	X			Excerpts of Deposition of Lee Gavitt
19	HHH	X			Deposition of Michael Gragen

1	III	X			Excerpts of Deposition of Michael Gragen
2	JJJ	X			Deposition of Mike Halko
3	KKK	x			Excerpts of Deposition of Mike Halko
4	LLL	X			Deposition of John Mead
5	MMM	X			Excerpts of Deposition of John Mead
6	NNN	X			Deposition of Brian Peterson
7	OOO	X			Excerpts of Deposition of Brian Peterson
8	PPP	X			Deposition of John Seaton
9	QQQ	X			Excerpts of Deposition of John Seaton
10	RRR	X			Deposition of George Johnson
11	SSS	X			Draft Report of George Johnson 4/17/07 (Depo. Ex. 97)
12	TTT	X			Draft Report of George Johnson 4/19/07 (Depo. Ex. 98)
13	UUU	X			Draft Report of George Johnson 4/27/07 (Depo. Ex. 99)
14	VVV	X			Draft Report of George Johnson 4/27/07 (Depo. Ex. 100)
15	WWW	X			Outline of Report by George Johnson (Depo Ex. 101)
16	XXX	X			Data on Bid Calculations provided to George Johnson (Depo Ex. 102)

1	YYY	X			Deposition of Dr. Ernest Nadel
2	ZZZ	X			Excerpts of Deposition of Dr. Ernest Nadel
3	AAAA	X			Report of Dr. Ernest Nadel, as filed (Depo Ex. 112)
4	BBBB	X			Report of Dr. Ernest Nadel, as corrected (Depo Ex. 113)
5	CCCC	X			Dr. Ernest Nadel's Curriculum Vitae (Depo Exs. 112, 113)
6	DDDD	X			Various Demonstrative Materials for Dr. Ernest Nadel
7	EEEE	X			MILSTAMP
8	FFFF	X			Responses of Plaintiff Samson to Discovery
9	GGGG	X			Personal Property portion of BRIM
10	HHHH	X			Gluck letter of 4/10/95 with proposed contract language (Depo Ex. 52)
11	IIII			X	Air Movement Data (US00000001-24)
12	JJJJ			X	Air Movement Data (US0012680-12753)
13	KKKK	X			Title XXIX Defense Base Closure and Realignment Act, Subtitle A
14	LLLL	X			FOIA Response by Air Force
15	MMMM			X	Mod A00007 to the Solicitation
16	NNNN			X	Mods to the Solicitation

1 The United States reserves its right to introduce any other exhibit(s) for impeachment
2 or rebuttal purposes, and to use any Exhibit marked by Plaintiff.

3 Respectfully submitted:

4 Dated: July 11, 2008

GREGORY G. KATSAS
Acting Assistant Attorney General
NELSON P. COHEN
United States Attorney
GARY GUARINO
Chief, Civil Division
Assistant United States Attorney
R. MIKE UNDERHILL
Attorney in Charge, West Coast Office
Torts Branch, Civil Division

10 /s/Jeanne M. Franken

11

JEANNE M. FRANKEN
12 Trial Attorney
13 Torts Branch, Civil Division
14 U.S. Department of Justice

Attorneys for Defendants/Appellees
United States of America

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 11, 2008, a copy of the foregoing DEFENDANT'S
EXHIBIT LIST was served electronically on:

Richard D. Gluck, Esq. and Robert Boraks, Esq.
Garvey Schubert Barer

William G. Royce, Esq.
Law Office of William G. Royce

Attorneys for Plaintiff/Appellant
Samson Tug and Barge Company, Inc.

/s/Jeanne M. Franken

JEANNE M. FRANKEN